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Europäisches
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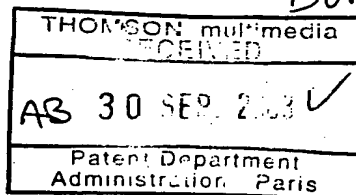
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Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

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COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

1

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	JP 2002 010107 A (NEC MITSUBISHI DENKI VISUAL SYSTEMS KK) 11 January 2002 (2002-01-11)	1-4,6-10	H04N5/52 H04N5/57 H04N5/21 H04N7/50 H04N7/26
Y	* the whole document * & PATENT ABSTRACTS OF JAPAN vol. 2002, no. 05, 3 May 2002 (2002-05-03) JP * abstract *	5	
Y	US 5 526 052 A (AR JUN SUN) 11 June 1996 (1996-06-11) * abstract *	5	
A	US 5 710 602 A (GARDOS THOMAS R ET AL) 20 January 1998 (1998-01-20) * abstract * * column 1, line 24 - line 58; claims 1,2; figures *	5	
X	PATENT ABSTRACTS OF JAPAN vol. 012, no. 007 (E-571), 9 January 1988 (1988-01-09) & JP 62 166665 A (MATSUSHITA ELECTRIC IND CO LTD), 23 July 1987 (1987-07-23) * abstract *	1	TECHNICAL FIELDS SEARCHED (Int.Cl.7) H04N
A		2-10	
The present search report has been drawn up for all claims			
Place of search THE HAGUE		Date of completion of the search 12 September 2003	Examiner Foglia, P
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 10 0989

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

12-09-2003

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
JP 2002010107	A	11-01-2002	NONE	
US 5526052	A	11-06-1996	JP 7075106 A	17-03-1995
US 5710602	A	20-01-1998	NONE	
JP 62166665	A	23-07-1987	NONE	



This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The attached opinion reveals that the application or the invention to which it relates appear not to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT SE SI SK TR LI

Description, pages:

1-7 as originally filed

Claims, No.:

1-10 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: JP 2002 010107 A (NEC MITSUBISHI DENKI VISUAL SYSTEMS KK) 11 January 2002 (2002-01-11) & PATENT ABSTRACTS OF JAPAN vol. 2002, no. 05, 3 May 2002 (2002-05-03)

D2: US-A-5 526 052 (AR JUN SUN) 11 June 1996 (1996-06-11)

D3: US-A-5 710 602 (GARDOS THOMAS R ET AL) 20 January 1998 (1998-01-20)

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 1-4 and 7, 9 and 10 is not new in the sense of Article 54(1) and (2) EPC.

Also, the present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 5, 6 and 8 does not involve an inventive step in the sense of Article 56 EPC.

1. The document D1 discloses (the references in parentheses applying to this document) a video apparatus comprising:
 - a receiver (11, 12) for converting an RF signal into a video signal (S3, S4)



- processing means (13, 14, 17) receiving the video signal and outputting an encoded stream (S4 at output section 7) based on the video signal
- an indicator (S12, S13) of a characteristic of the RF signal
- control means (8, 9, 10) for adjusting the processing means (17) based on the indicator (S12, S13).

The subject-matter of claim 1 is therefore not new (Article 54(1) and (2) EPC).

2. D1 further discloses that:

- processing means (17) includes an adjustable filter (2, 3, 4, 5, 6)
- the control means (8, 9, 10) adjust said filter based on the indicator (S12, S13)
- the receiver outputs and analog video signal (S3) and a video decoder (14) converts it into a digital stream (S4)
- the characteristic of the RF signal can be the voltage (S12) controlling the gain of the amplifier in the receiver (12)
- control means (8, 9, 10) comprise a micro-processor (9)
- the micro-processor has means for receiving representative signal (S12, S13) and for sending control data (S14) to adjust the processing means.

Therefor, the subject-matter of claims 2 to 4, 7, 9 and 10 is also not new (Article 54(1) and (2) EPC).

3. The subject-matter of claim 5 does not involve an inventive step in the sense of Article 56 EPC.

Dependent claim 5 relates to an apparatus according to claim 1 further including

- a) an encoder with a bit-rate which is adjustable by the same control means that control the adjustable filter.

The difference with the apparatus of D1 is feature (a).

The problem to be solved by the apparatus according to claim 5 may therefore be regarded as providing a digitally encoded video signal out of the receiver of claim 1, including a well-performing bit-rate control.

The solution proposed in claim 5 of the present application cannot be considered as involving an inventive step (Articles 52(1) and 56 EPC) for the following reasons: cascading a well-known-in-the-art adjustable bit-rate encoder to the output of receiver of D1 is merely a matter of standard design, and therefor cannot constitute *per se* an inventive activity.

On the other hand, it is also well known that the bit-rate of such an encoder can be



controlled (e.g. by acting on the quantisation parameter) by a great variety of input variables as shown, for instance, in D2.

Artifacts appearing as a consequence of the use of AGC in the generation of a video signal are also well known in the art, as shown by D3 (this document discloses a digital video encoder offering an alternative solution to said problem).

The choice of the indicator mentioned in claim 5 would be regarded by the skilled person as merely a matter of design in order to solve the problem posed and, as such, cannot be considered as involving an inventive step.

4. The subject-matter of claim 6 does not involve an inventive step in the sense of Article 56 EPC.

Dependent claim 6 relates to an apparatus according to claim 1 wherein

b) the characteristic is the amplitude of the RF signal.

The difference with the apparatus of D1 is feature (b).

The problem to be solved by the apparatus according to claim 6 may therefore be regarded as providing an alternative to the apparatus of D1.

The solution proposed in claim 6 of the present application cannot be considered as involving an inventive step (Articles 52(1) and 56 EPC) for the following reasons:

The feature (b) is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

5. Following the same reasoning used in point 4, the subject-matter of claim 8 cannot be considered as involving an inventive step in the sense of Article 56 EPC.
6. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

P. Foglia